

S.C. NO.: 19832 / S.C. NO.: 19833 : SUPREME COURT
DONNA L. SOTO, ADMINISTRATRIX OF : STATE OF CONNECTICUT
THE ESTATE OF VICTORIA L. SOTO, ET
AL.

PLAINTIFFS-APPELLANTS,

VS. :

BUSHMASTER FIREARMS : MAY 30, 2017
INTERNATIONAL, LLC, A/K/A, ET AL.,

DEFENDANTS-APPELLEES

**APPLICATION OF CONNECTICUT CITIZENS DEFENSE LEAGUE
FOR PERMISSION TO APPEAR AS AMICUS CURIAE
AND TO FILE BRIEF IN SUPPORT OF DEFENDANTS-APPELLEES**

Pursuant to Practice Book §§ 66-2 and 67-7, Connecticut Citizens Defense League (“CCDL”) respectfully applies for permission to appear as an *amicus curiae* in the above-captioned case and to file an *amicus curiae* brief in support of Defendants-Appellees and affirmance. A copy of the proposed *amicus* brief is enclosed. In support of its request, Applicant states as follows.

I. Brief History of the Case

Plaintiffs, representatives of the estates and one survivor of the tragic 2012 Sandy Hook school shooting, brought this action on December 13, 2014, against the companies that manufactured, distributed, and sold to the mother of the shooter, Nancy Lanza, one of the firearms used in that crime. The federal Protection of Lawful Commerce in Arms Act (“PLCCA”) generally forecloses tort suits against businesses, like defendants, who legally sell firearms that are ultimately misused to commit crime. In an effort to avoid that statutory bar, Plaintiffs pleaded their claims as sounding in negligent entrustment and liability under

the Connecticut Unfair Trade Practices Act (“CUTPA”)—claims which, Plaintiffs argued, fall into two statutory exceptions to the PLCCA’s bar.

Defendants initially removed the case to the U.S. District Court for the District of Connecticut, but that court ultimately remanded the matter back to the Superior Court. The Defendants then moved to strike the complaint for failure to state a claim upon which relief could be granted. After briefing and argument, the Superior Court granted the motions to strike, concluding that each of Plaintiffs’ claims is foreclosed by the PLCAA. These consolidated appeals followed.

II. Specific Facts Relied Upon

A. Nature of Applicant’s Interest

Amicus Connecticut Citizens Defense League, Inc. (“CCDL”) is a non-partisan grass-roots organization that works to promote Second Amendment rights through legislative action, to keep its members informed about legal requirements and potential legislative and regulatory developments related to the right to keep and bear arms, and to educate the public about these legal developments and about the importance of safeguarding the Second Amendment rights of law-abiding citizens. Founded in 2009, CCDL has over 20,000 members throughout the State of Connecticut. It has a strong interest in the outcome of this case because imposing liability on the Defendants for manufacturing, distributing, and selling the AR-15—to law-abiding, adult citizens and in compliance with all federal and state laws and regulatory requirements—would set a precedent that could lead to a dramatic reduction in the availability in Connecticut of *all* firearms that, like the AR-15, are commonly held by ordinary citizens for lawful purposes such as self-defense, hunting, and target shooting.

B. Reasons Why Applicants Should Be Allowed to File an *Amicus* Brief

Because Applicant's 20,000 members are dedicated to exercising their right to bear arms for lawful purposes like self-defense and hunting, and because Applicant is dedicated to educating and informing the general public about the importance of that right, Applicant has an acute interest in the continued availability of lawful, commonly owned firearms in the State. In its proposed *amicus* brief, Applicant explains why it believes that a ruling for Plaintiffs in this case could seriously jeopardize the ability of law-abiding citizens of Connecticut to obtain lawful arms in Connecticut: Plaintiffs' theory of tort liability is that the AR-15 is so intrinsically dangerous that the very act of selling it *to a law-abiding member of the general public* is negligent; yet by every empirical measure, an AR-15 is *less* intrinsically dangerous and *less* likely to be used to commit mass murder than an ordinary handgun or hunting rifle. If Plaintiffs prevail, then, they will have set a precedent that by its own logic would expose businesses to draconian tort liability *each time they sell virtually any firearm*.

The perspective brought to bear by Applicant in its proposed *amicus* brief is not represented in any of the briefs before the Court, and Applicant respectfully suggests that it will substantially aid the Court in its consideration of the important issues raised in this case.

III. Legal Grounds Upon Which Movant Relies

This Court has authority to permit the filing of *amicus curiae* briefs, in appropriate cases, under Practice Book § 67-7.

IV. Conclusion

For the foregoing reasons, CCDL's Application to appear in this case as an *amicus curiae* should be granted and its proposed *amicus* brief should be filed.

Respectfully submitted,

By /s/ Kenneth R. Slater, Jr. (Juris #404736)

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CERTIFICATION OF SERVICE AND COMPLIANCE

I hereby certify that the foregoing application: (1) has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law and (2) complies with the form and font requirements of Practice Book §§ 66-2 & 66-3 and all applicable rules of appellate procedure. It is further certified in accordance with Connecticut Practice Book §62-7 that a copy was mailed via electronic mail May 30, 2017 to :

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